

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:  
**EMANUEL GONZÁLEZ NIEVES**  
XXX- XX - 7138

CASE NO. 18 -07215-BKT12

Debtor

CHAPTER 12

**Motion in Compliance with Order Dated October 6, 2022, and Reply to Brief in Further Support of Dismissing Debtor's Third Serial Voluntary Petition with 1-Year Refiling Bar Filed by Banco Popular at Docket No. 144**

TO THE HONORABLE COURT:

COMES NOW the Debtor, **EMANUEL GONZALEZ NIEVES** through the undersigned attorney and very respectfully set forth and pray:

1. On December 11, 2018, the Debtor **EMANUEL GONZALEZ NIEVES** filed a voluntary petition for relief under the provisions of 11 U.S.C. §1201 et. seq. numbered 18 – 07215-BKT12.
2. On September 6, 2022 BBPR filed a “*Reply to and in Further Support of Dismissing Debtor' Third Serial Voluntary Petition With a One-Year Refiling Bar*”(Docket No. 144).
3. On October 6, 2022, this Honorable Court entered an Order for the Debtor to Reply to BBPR’s Motion at Docket No. 144 (See Order at Docket No. 145).
4. The Debtor informs this Honorable Court that to this date it has not received the funds from the grant by PR -Regrow and has no funds to comply or become current in his Chapter 12 Plan.

5. After the hurricane Fiona on September 2022 the PR Department of Agriculture has not taken steps to complete the process of disbursement of the Regrow Funds and the Debtor can't certify with certainty when will these funds become available.
6. The Court had already granted Debtor's Motion to Hold the Chapter 12 Trustee's MTD in Abeyance and the term to become current has already elapsed. (See Order Granting Motion to hold MTD in Abeyance dated August 30, 2022, at Docket No. 139).
7. One of the controversies between the parties was the objection period of the Motion, and we understand that the same has become moot. To this date the issue of timing or objection periods for the Motion filed by creditor BPPR has become moot because more than 30 days have elapsed since the filing of the original MTD by BPPR on August 5, 2022 (Docket No. 130), and the Debtor had more than 30 days to become current in the Plan and resolve the issues pending in the case.
8. At this juncture the Dismissal of this case is inevitable and the Court still must resolve the request from Banco Popular for a bar to refile of 1 year.
9. Regarding the Bar to Re-file submits to this Court his position that the same does not proceed in the instant case. The case law clearly establishes that a various filings of bankruptcy cases per se are not sufficient to request a dismissal for a bar to re-file. Debtor was able to confirm and pay his Chapter 12 Plans and in same he even negotiated with BPPR and reached Stipulations in said cases with BPPR.
10. The Debtor submits to this Honorable Court that although the Motion the Dismiss will be granted because the debtor has been unable to become current in his Chapter 12 Plan, the Bar to refile requested by BPPR does not proceed.

**WHEREFORE** The Debtor respectfully requests that this Honorable Court grants the Motion to Dismiss because the term to become current with the Plan has elapsed but denies the Bar to refile requested by BPPR.

**RESPECTFULLY SUBMITTED.**

In Mayaguez, Puerto Rico, this October 13, 2022

**CERTIFICATE OF SERVICE**

Notice of this MOTION has been electronically provided by the CM/ECF system to: the **US Trustee** for the District of Puerto Rico, Monsita Lecaroz Ariibas, Esq. at [ustpreion21.hr.ecf@usdoj.go](mailto:ustpreion21.hr.ecf@usdoj.go); the Chapter 12 Trustee, Jose R. Carrión at [newecfmail@ch13-pr.com](mailto:newecfmail@ch13-pr.com); State Insurance Fund, Alejandro Suarez, Esq. at [Alejandro.Suarez@cfse.gov.pr](mailto:Alejandro.Suarez@cfse.gov.pr); COOP A/C San Rafael, Jaime Rodríguez Esq. at [jrpcourtdocuments@gmail.com](mailto:jrpcourtdocuments@gmail.com); ORIL, Edward Hill Esq. at [ehill@hillgonzalezlaw.com](mailto:ehill@hillgonzalezlaw.com); FIDA, Grace M Figueroa Esq., [gmarief@hotmail.com](mailto:gmarief@hotmail.com) and Jorge L González Burgos at [jtglaw@gmail.com](mailto:jtglaw@gmail.com) ; BPPR – Special Loans, Dagmar I Fernández, Esq. at [df-law@outlook.com](mailto:df-law@outlook.com); Sergio Criado Esq. at [scriado@calopsc.com](mailto:scriado@calopsc.com) and to Creditors and Parties that are not C/M ECF Participants as per attached master address list.

**/s/HOMEL MERCADO JUSTINIANO**

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